IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.3 OF 2004

Shri Janardan C. Shervedhar. ...Applicant.

V/s.

Shri Madhav B. Vartak. ...Respondent.

Mr.Sudhir Hardikar for applicant.

Mr.S.M.Oak for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 5, 2006.

P.C. :

1. On the last occasion, counsel appearing for the respondent brought to my notice that the order which is impugned in this petition has already been executed. Counsel for the applicant had no information in that behalf. On that count matter was adjourned today. Today, counsel for the applicant submits that inspite of his best efforts, he is not able to communicate with the applicant The applicant is not available even on his mobile number, which was provided. In other words, the advocate for applicant has no instruction in the matter. Accepting the statement of the respondent made through his counsel as the order impugned in this application is executed, nothing would survive in this revision.

2. In any case, as the advocate for the applicant is unable to get any instructions, application is dismissed for non-prosecution.

3. It is however, made clear that it will be open to the applicant to revive this application in the event, the applicant is determined to pursue the present proceedings, which indulgence will be shown on formal application moved in that behalf.